



southern
utah
wilderness
alliance

HAND DELIVERED

November 8, 2005

John Baza
Director - Utah Division of Oil, Gas and Mining
1594 West North Temple
P.O. Box 145801
Salt Lake City, Utah 84114

Re: *Horse Canyon Mine, Lila Canyon Extension C/007/013*
Southern Utah Wilderness Alliance Comments and Objections

Greetings:

Southern Utah Wilderness Alliance appreciates the opportunity to share its concerns and objections regarding the Division of Oil, Gas, and Mining's ("DOGM" or "the Division") erroneous conclusions that UtahAmerican Energy, Inc.'s (UEI) permit application package (PAP) is administratively complete and technically adequate.¹ In addition to the items outlined below and discussed by SUWA at the Informal Conference, SUWA may have additional concerns and objections that – based on our review of the recently obtained 2004-2005 records – will require an additional informal conference. We appreciate the Division's commitment to provide SUWA with the time to review these additional records and, if necessary, to request an additional informal conference.

In short, the Division's decisions that the PAP is administratively complete and technically adequate do not withstand scrutiny. For example, and as SUWA has explained for several years, the Division has never required UEI to provide adequate baseline information, including baseline information for surface or ground water quality or quantity. This critical information still has not been provided in this latest iteration of the PAP and this failure infects numerous critical aspects of the PAP including, but not limited to, the following: the ground water monitoring plan, the surface water monitoring plan, the probably hydrologic consequences determination, the operation plan, and the cumulative hydrologic impact assessment.

¹ SUWA incorporates its April 22, 2002, May 26, 2004, and July 7, 2004 letters (and all exhibits attached thereto) to DOGM by reference and may pursue issues identified in these letters, but not discussed today, should the Division decide to issue UEI a permit for the Horse Canyon Mine – Lila Canyon Extension C/007/0013. SUWA also incorporates by reference all exhibits and other documents and reference materials provided to DOGM by SUWA at the 2002 and 2004 informal conferences, as well as all technical reviews prepared by Division staff between 2001-2005.

425 East 100 South
Salt Lake City, Utah 84111
Phone: 801-486-3161
Fax: 801-486-4233
Website: www.suwa.org

These failures, alone, demand that the Division acknowledge that the PAP is neither administratively complete, nor technically adequate and, when added to the additional items discussed below, there is no question that DOGM cannot authorize UEI to proceed until each of these issues is fully resolved.

1. Acid- or toxic-forming materials. Utah Admin. R645-301-624.300 requires UEI to collect samples from test borings or drill holes and analyze these samples for acid- or toxic-forming materials. Specifically, Utah Admin. R645-301-624.320 requires UEI to perform chemical analyses for acid- or toxic-forming or alkalinity-producing materials and their content in the strata immediately above and below the coal seam to be mined.

Under Utah Admin. R645-301-626, an applicant may request the Division to waive in whole or in part the requirements of Rule 624.300. However the waiver may be granted only if the Division finds in writing that the collection and analysis of such data is unnecessary because other information having equal value or effect is available to the Division in a satisfactory form.

UEI has not provided the data and analyses required under Rule 624, and have instead requested an exemption from the Division under Rule 626. UEI cites the following reasons for its request:

- UEI claims that there has been no problem with acid- or toxic-forming materials at the nearby Sunnyside Mine. In fact the record is very clear that there has been a problem with acid-generation at the Sunnyside refuse pile. Acidic water carrying iron and other minerals seeped from the base of the refuse pile into a channel.
- UEI has provided analyses from boreholes S-24 and S-25, located 2 miles from the permit area. However, inspection of the logs and analytical results for the strata above the coal seam down to the Mancos Shale indicate that in S-24, 7 out of 18 samples (40 percent) have greater than 1% total sulfur with the highest sample containing 4.61%. The logs of S-25 indicate that 6 out of 13 samples (46 percent) have greater than 1% total sulfur with the highest sample containing 2.72 %. Thus, these data indicate that there is an acid-generation potential.
- UEI states that all material brought from the mine will be tested and treated as though it is acid- or toxic-forming. However this does not satisfy Rule 626, which requires "information having equal value or effect" as chemical analysis of samples collected from test borings or drill holes.
- UEI has not provided data and analysis required under Rule 624, or information having equal value, as required under Rule 626.
- All indications are that the material removed from the mine will be acid-generating. It was at Sunnyside, chemical analyses and logs of drill holes off the permit area indicate high sulfur content, and even logs of holes drilled in the permit area report the presence of pyrite.

- UEI proposes to use this material, the underground development waste, as structural fill for surface facilities that will not be reclaimed until the end of the mine life.

2. Subsurface water resource maps. Utah Admin. R645-301-722.100 requires submission of cross sections and maps showing the location and extent of subsurface water, including the areal and vertical distribution of aquifers and portrayal of seasonal differences of head. Though UEI has previously identified both what it calls a regional aquifer and several perched aquifers, it has not complied with this requirement. Rather, UEI has submitted Figures 7-2A and 7-2B – neither of which comply with this Rule.

- Figure 7-2A does not show water levels for the entire permit area. In addition, UEI's description of the piezometric surface is clearly flawed in that it is depicted as a uniformly dipping planar surface, and it is based only on water level data from the three IPA wells, an area that covers less than 200 acres, or approximately four percent of the 4,664-acre Part B permit area. Finally, Figure 7-2A does not portray the areal and vertical distribution and seasonal differences of head in the perched aquifers.
- Figure 7-2B is not a cross-section. It depicts water level changes through time, not through the permit area, and does not include the perched aquifer.

3. Baseline information - surface water resources. Utah Admin. R645-301-724.200 requires that UEI submit information on surface-water quality and quantity sufficient to demonstrate seasonal variation. The Rule further requires the collection, at a minimum, of baseline data on specified parameters for the water quality description and of baseline information on seasonal flow rates for the water quantity description.

- In addition to numerous ephemeral washes, there are six intermittent streams within the permit area: Lila Canyon, Little Park Wash, Stinky Spring Wash, IPA #1 Wash, Pine Springs Wash, and No Name Wash. UEI and the Division know that these drainages flow intermittently in response to snow melt runoff and/or rainfall events. In fact, Division personnel have documented evidence of flows in all drainages, including the drainage through the middle of the proposed disturbed area.
- In spite of the Rule requiring baseline data, and in spite of the fact that UEI and the Division know that there are surface water flows in the permit area, UEI has never submitted any data on surface water quantity or quality for any of the streams in the permit area.
- UEI only reports sporadic observations of "no flow;" however these do not provide the data required under Rule 724.200.
- UEI has never attempted to collect these data through remote methods for obtaining both water quality or flow depth even though these methods are inexpensive, well within the state of the art, are standard practice by the U.S. Geological Survey, are discussed in

OSM guidelines for collecting baseline surface water data in arid climates, and have been used in the permitting of other coal mines in Utah.

4. Baseline information - ground water quantity. Utah Admin. R645-301-724.100 requires that UEI submit data on the seasonal quantity of ground water. Ground-water quantity descriptions must include, at a minimum, approximate rates of discharge or usage and depth to the water in the coal seam, and each water-bearing stratum above and potentially impacted stratum below the coal seam. UEI has failed to submit data required under this rule.

Regional Aquifer

- UEI's sporadic submissions are insufficient, based on Rule 724.100 and DOGM's longstanding practices, to establish seasonal baseline data from IPA-1, -2, and -3, or from L-16-G and L-17-G. See Table - Lila Canyon ground water sampling dates – proposed monitoring sites. (November 2005) (attached hereto as Exhibit 1).
- UEI provides no data on the rates of discharge of ground water or on the hydraulic conductivity in the permit area, and has failed to even identify the recharge and discharge areas.
- UEI provides conflicting information, and in places contradicts itself, with regard to the effect of lithology, regional structure, or faults on the movement, discharge, and depth of the ground water in the regional aquifer.

Perched Aquifer

- UEI's sporadic submissions are insufficient, based on Utah Admin. R724.100 and DOGM's longstanding practices, to establish seasonal baseline data from the springs (L-6-G through L-12-G). See Table - Lila Canyon ground water sampling dates – proposed monitoring sites. (November 2005).

5. Baseline information - ground water quality. Utah Admin. R645-301-724.100 requires the applicant to submit data on the seasonal quality of ground water. Water quality descriptions will include, at a minimum, total dissolved solids or specific conductance corrected to 25 degrees C, pH, total iron and total manganese. UEI has failed to submit data required under this rule.

Regional Aquifer

- UEI has never collected, or attempted to collect, any water quality samples from the IPA wells.
- UEI has provided some data from Redden Spring (RS-2). However, Redden Spring is in the area of the Horse Canyon mine and therefore it does not represent pre-mining

baseline conditions, it is not proposed for monitoring, and there are insufficient seasonal baseline data.

- UEI has provided some data from L-16-G and L-17-G. However, it is not clear, based on the information presented by UEI, whether or not these springs are connected to the regional aquifer, and the effect, if any, of the Central Graben Fault. In addition, UEI's submission is insufficient, based on Rule 724.100 and DOGM's longstanding practices, to establish seasonal baseline data See Table - Lila Canyon ground water sampling dates – proposed monitoring sites. (November 2005).

Perched Aquifer

- UEI's submission is insufficient, based on Rule 724.100 and DOGM's longstanding practices, to establish seasonal baseline data for the springs (L-6-G through L-12-G). See Table - Lila Canyon ground water sampling dates – proposed monitoring sites. (November 2005).

6. Coal mine waste. Coal mine waste is defined as "coal processing waste and underground development waste." Utah Admin. R645-100-200. Utah Admin. R645-301-528.320 requires that all coal mine waste be placed in new or existing disposal areas within a permit area which are approved by the Division for this purpose. Coal mine waste must meet the design criteria of Utah Admin. R645-301-536, however, placement of coal mine waste by end or side dumping is prohibited.

- UEI proposes to dump coal mine waste (underground development waste) at the surface, and use it as structural fill upon which the shop and warehouse will be built. This handling of the coal mine waste is in violation of Rule 528.320. In addition, UEI proposes to leave this deposit of coal mine waste (a refuse pile) exposed at the surface for the life of the mine.

7. Ground water monitoring plan. According to Utah Admin. R645-301-731.211, UEI's permit application must include a ground-water monitoring plan based upon the analysis of all baseline hydrologic, geologic and other information contained in the permit application. Because UEI's PAP contains no baseline data (or, at a minimum, incomplete baseline data), neither UEI nor DOGM can determine mine impacts and there can be no effective monitoring.

Regional Aquifer

- UEI proposes to monitor only ground water depth, not water quality, from the IPA wells. In addition, the IPA wells will be destroyed during mining. UEI proposes to monitor ground water quantity and quality from only two sites, L-16-G and L-17-G. However; these springs may not even be connected to the regional aquifer, they are not within the permit area, they are only 400 feet apart, and there are incomplete baseline data (see number 4 and 5 above, and Table 1).

Perched Aquifer

- UEI proposes to monitor ground water from only 5 seeps and springs (L-7-G, L-8-G, L-9-G, L-11-G, and L-12-G). While this plan is inadequate on its face, the problem is made worse by the facts that: 1) there are incomplete baseline data for all these proposed monitoring sites (see number 4 and 5 above, and Table 1); 2) L-8 G and L-9-G are located outside the permit area; and 3) L-11G is a spring above the Horse Canyon Mine, and there are no pre-mining baseline data.

Thus, there are only two proposed ground water monitoring sites in the Part B permit area, and only partial baseline data exist for these sites.

8. Surface water monitoring plan. According to Utah Admin. R645-301-731.221 the permit application will include a surface-water monitoring plan based upon the analysis of all baseline hydrologic, geologic and other information in the permit application. Where there are no baseline data, there can be no determination of impacts and no effective monitoring.

- There are no baseline data, either water quality or water quantity, for any surface flows in Lila Canyon, Little Park Wash, Stinky Spring Wash, IPA #1 Wash, Pine Springs Wash, or No Name Wash (see point 3, supra). Thus, there will be no basis for comparison during monitoring.

9. Probable Hydrologic Consequences (PHC). Utah Admin. R645-301-728.200 requires that the PHC determination will be based on baseline hydrologic, geologic and other information collected for the permit application. As discussed, supra, (points 1-5), there are no baseline data, or incomplete baseline data upon which the PHC can make the required findings. Specifically, there can be no determinations or findings on:

- Whether adverse impacts may occur to the hydrologic balance (Rule 728.310)
- Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface- or ground-water supplies (Rule 728.320)
- What impact the proposed coal mining and reclamation operation will have on:
 - Sediment yield from the disturbed area (Rule 728.331)
 - Acidity, total suspended and dissolved solids and other important water quality parameters of local impact (Rule 728.332)
 - Flooding or stream flow alteration (Rule 728.333)
 - Ground-water and surface-water availability (Rule 728.334)

10. Water consumption. The MRP-Part B contains contradictory, and unsupported data on the amount of water consumed by dust suppression, and contains an error in calculating the coal moisture loss.

- Appendix 7-3 states that the rate of water to be consumed from dust suppression and evaporation is estimated to be 15,000,000 gallons per year. Subtracting out the portion

attributed to evaporation from ventilation (1,183,600 gal/yr) the amount consumed due to dust suppression is 13,816,400 gal/yr, and not 3,650,000 gal/yr as reported in Table 2 of the Appendix. In addition, coal moisture loss is calculated in Table 2 based on a mining rate of 4 M ton/yr, but the PAP states that mining could peak at 4.5 M ton/yr. When the correct amounts are used for dust suppression and coal moisture loss, the amount of water consumed will be approximately 112 acre-feet per year, not the 74 acre-feet per year calculated by UEI. This is in excess of the amount of water consumption that has been identified by the USFWS that requires mitigation. UEI has not demonstrated that this water consumption will not jeopardizing the continued existence of and/or adversely modify the critical habitat of the Colorado River endangered fish species: the Colorado pikeminnow, humpback chub, bonytailed chub, and razor back sucker.

- UEI states that this process water will be hauled from the Price River. However, nowhere in the PAP is the effect of removing 112 ac-ft/yr from the Price River analyzed. There are no baseline data on water quality or water quantity above and below the proposed point of diversion, and therefore it will be impossible to determine the impacts from this withdrawal. In addition, there are no baseline data or analyses of the potential impacts to vegetation and/or wildlife from the removal of this water.

11. Cumulative Impact Area. The information provided by UEI is not sufficient to allow the Division to establish a hydrologically reasonable cumulative impact area (CIA) boundary. Utah Admin. R645-301-725. Specifically;

- The recharge and discharge areas of the aquifers have not been identified. Without this information, the Division cannot establish the CIA boundary.
- The effect of the faults on the occurrence, movement, and discharge of water in the regional aquifer is not addressed.
- There is no explanation for the occurrence of ground water in the Mancos Shale (L-16-G and L-17-G)
- The CIA boundary must include the Price River because UEI intends to divert up to 112 ac-ft/yr and because it is a potential discharge area for the aquifers.

12. Operation Plan. According to Utah Admin. R645-301-731, the permit application will include a plan, with maps and descriptions, specific to the local hydrologic conditions. It will contain the steps to be taken during coal mining and reclamation operations through bond release to minimize disturbance to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area, and to support approved postmining land use.

The plan submitted by UEI fails to minimize disturbance to the hydrologic balance for the following reasons:

Subsidence Impacts

UEI claims that there will be no impacts to surface or groundwater resources based on the fact that, although subsidence has occurred at the Horse Canyon Mine, there were no impacts. This is of course impossible to demonstrate because there are no pre-mining hydrologic baseline data to which the data on existing water resources can be compared. UEI does acknowledge that subsidence has occurred at the Horse Canyon Mine, and it is therefore only logical to conclude that it will occur at the Lila Canyon Mine.

UEI also claims that there will be no impacts to the surface streams from subsidence because of the overburden thickness. However, parts of Little Park Wash have overburden thickness of 500 feet, and several reaches of other streams in the permit area have overburden thickness of approximately 1,000 feet. A cursory review of the literature provides documentation that under similar geologic conditions and mining methods, ground disturbance related to subsidence (i.e., subsidence fractures) has occurred at coal mines where the overburden thickness was as much as 1,500 feet.

At the Deer Creek Mine, the U.S. Bureau of Mines reports "A maximum of 2.7 feet of subsidence over the two longwall panels mined at a depth of 1,500 feet." (Allgaier, F.K., 1982, Surface subsidence over longwall panels in the Western United States: Monitoring program and preliminary results at the Deer Creek Mine, Utah: Information Circular 8896).

At the Cyprus Plateau Mine, the U.S. Geological Survey reports "Land surface subsided and moved several feet horizontally. The perennial stream and a tributary upstream from the mined area were diverted into the ground by surface fractures where the overburden thickness above the Wattis coal seam is about 300 to 500 feet." (Slaughter, C.B., Freethey, G.F., and Spangler, L.E., 1995, Hydrology of the North Fork of the Right Fork of Miller Creek, Carbon County, Utah, before, during, and after underground mining: U.S.G.S. Water-Resources Investigations Report 95-4025, prepared in cooperation with the Utah Division of Oil, Gas, and Mining).

At the Geneva Mine, in the Sunnyside Mining District, the U.S. Geological Survey reports that "Large tension cracks, some of which are hundreds of feet long and range from about 0.06 inch to as much as three feet in width formed in massive sandstone at the top of the Mesaverde Group about 900 feet above the mine area. These cracks divert all surface- and ground-water flow in this area to lower strata or to the mine workings." (Dunrod, C.R., 1976, Some engineering geologic factors controlling coal mine subsidence in Utah and Colorado: U.S. Geological Survey Professional paper 969).

Based on the evidence of subsidence at the Horse Canyon Mine, and the well-documented evidence of subsidence at nearby mines in similar geologic strata, it is obvious that subsidence will occur at the Lila Canyon Mine. Subsidence fractures will impact several ephemeral and intermittent streams, and seeps and springs. Unfortunately, as stated above in numbers 3-5, there are absolutely no baseline data for the surface streams within the permit

area, and incomplete baseline data on the ground water resources, so it will be impossible to determine the impacts that subsidence will have to the hydrologic balance within the permit and adjacent areas, whether or not there will be material damage outside the permit area, and the limitation on supporting the approved postmining land use.

Stream Buffer Zones

Utah Admin. R645-301-731.610 states that no land within 100 feet of an intermittent stream will be disturbed by coal mining and reclamation operations unless the Division specifically authorizes coal mining and reclamation operations closer to, or through, such a stream. The Division may authorize such activities only upon finding that: Coal mining and reclamation operations will not adversely affect the water quantity and quality or other environmental resources of the stream (Rule 731.611).

The PAP documents that mining will take place under Little Park Wash, Stinky Spring Wash, IPA #1 Wash, Pine Springs Wash, and No Name Wash. The PAP further documents that subsidence will likely disturb the land within these stream channels. Each of these five streams drains a watershed of at least one square mile, and therefore are, by definition, intermittent streams. (Although these five streams are defined as intermittent according to R645-100-200, UEI and DOGM occasionally refer to them as “ephemeral acting”, a term that is not defined in R645-100-200.) UEI’s mining operations will disturb land within 100 feet of five intermittent streams, and because there are no baseline data on the water quality or water quantity in these streams, the Division cannot determine whether or not the mining operation will adversely affect the water quantity and quality or other environmental resources of the streams. Without these data, the Division cannot support a decision to authorize mining within the stream buffer zone.

13. Renewable Resource Lands. Renewable resource lands means aquifers and areas for the recharge of aquifers and other underground waters. Utah Admin. R645-301-525.110 requires a map of the permit and adjacent areas showing the location of renewable resource lands that subsidence may materially damage. Rule 525.120 requires a narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value or reasonably foreseeable use of renewable resource lands.

- UEI has not submitted a map that delineates the renewable resource lands within the permit and adjacent areas.
- UEI claims to have conducted a survey of renewable resource lands; however there are no baseline data on any surface water flows in the permit and adjacent area. Without any data on surface water flows, UEI can not evaluate the relationship between surface water flows and recharge to renewable resource lands. Similarly, UEI has failed to obtain baseline data on underground waters within the permit and adjacent area. Therefore, they are unable to document the area of discharge, direction of movement, and/or recharge area for any underground waters, i.e., the renewable resource lands.

- UEFI acknowledges that subsidence will likely cause material damage to both underground waters, and surface flows within the permit area. However, they fail to address how the renewable resource lands in the permit and adjacent areas will be impacted by these subsidence-related impacts

14. Historic and Archeological Resource Information. The Division has failed to comply with the requirements of the National Historic Preservation Act (NHPA), 16 U.S.C. §§ 470 et seq., as required by Utah Admin. R645-300-113.

- The heart of the NHPA is Section 106, which prohibits agencies from approving any “undertaking,” including the issuance of any license, permit, or approval unless the agency takes into account the effects of the undertaking on historic properties that are include in or eligible for inclusion in the National Register of Historic Places. 16 U.S.C. §§ 470(f) and 470(w)(7). The NHPA’s implementing regulations, 36 C.F.R. Part 800, detail the process for full compliance with Section 106. The participants in the Section 106 process include, but are not limited to, the State Historic Preservation Officer, Indian tribes, local governments, additional consulting parties, and the public. 36 C.F.R. § 800.2.
- Because the Division has not complied with Section 106, the MRP-B contains inadequate information regarding the cultural and historic resources listed or eligible for listing in the National Register of Historic Places within the permit and adjacent areas. See Utah Admin. R645-301-411. The TA also contains conflicting information regarding the “effect” of the proposed Lila Canyon Extension to cultural resources. For example, the TA states both that “Lila Canyon extension project will have ‘no effect’ to historic resources” and that “the Lila project will not likely affect 42EM2255 and 42EM2256.” TA at 15.

15. Fish and Wildlife Resource Information. The “fish and wildlife resource information” described in the MRP-B and TA is outdated (in some cases by several years) and thus does not comply with the requirements of Utah Admin. R645-301-322.

- For example, currently available information from the Division of Wildlife Resources and BLM indicates that a portion of the project area may be located in “crucial value year long” habitat for pronghorn antelope; this is not reflected in the MRP-B or TA. See TA at 17. See also Draft Price field office resource management plan at Map 3-9 (2004).
- The TA also acknowledges that “there is a high probability that [golden] eagles will abandon [their] nests because of proximity to operations. TA at 62. DOGM, however, is prohibited from approving an activity that results in the “taking” of a golden eagle. See Utah Admin. R645-301-358.200-.300. See also 16 U.S.C. § 1532(19) (explaining that “the term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”) (emphasis added).

16. Affected area. The revised coal haul road (EC-126) fits within the definition of “surface coal mining operations” and thus must be included within the “affected area” to be permitted under the Surface Mining Control and Reclamation Act and Utah Coal Mining and Reclamation Act. See Utah Admin. R645-301-527.

- UEI has met with the Division regarding an overland conveyor, loadout, and rail spur to be located near the proposed Lila Canyon Extension, and UEI has stated its intention, in writing, to begin “[c]onstruction on these facilities” in April 2006. Also, in September 2005 UEI filed right-of-way applications with the Bureau of Land Management, Price field office, for these facilities. These proposed facilities fall within the definition of “surface coal mining operations” and thus must be included within the “affected area” to be permitted under the Surface Mining Control and Reclamation Act and Utah Coal Mining and Reclamation Act. See Utah Admin. R645-301-527. Because UEI has a firm right-of-way proposal for these additional facilities before the Bureau of Land Management, DOGM and UEI cannot avoid including these proposed facilities in the affected area by segmenting the analysis of these additional facilities to a later day.

17. Air Quality. UEI’s permit with the Division of Air Quality for the proposed Lila Canyon Mine is for the 1.5 million tons of coal per year – not the 2 million tons requested by UEI (TA at 55), nor the 4.5 million tons that UEI has stated to DOGM that it intends to process. See Letter from Denise Drago to Pamela Grubaugh-Littig (June 2, 2005), at 2.

18. Lila Canyon Mine – New Permit Required. The proposed mine must be processed and approved through application of a new permit. Utah Admin. R645-303-220.

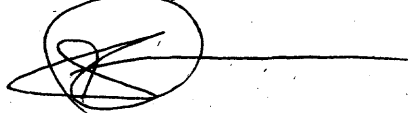
- The recent transfer by UEI of the Horse Canyon Mine to the College of Eastern Utah reinforces the point that the proposed Lila Canyon Mine is not an “extension” of any existing mine. See Les Bowen, College in Price secures title to Horse Canyon mining property, SUN ADVOCATE, Oct. 25, 2005, at A1 (attached hereto as Exhibit 2). Indeed, the PAP identifies the Horse Canyon Mine, Part A, as being for “reclamation only.”
- SUWA recognizes that Utah Admin. R645-303-226 requires the Division to comply with R645-300-100 and -200, as well as R645-301 and R645-302 when processing a significant permit revision. Nevertheless, the proposed Lila Canyon Mine is not a “significant permit revision,” and DOGM’s insistence on mislabeling the Lila Canyon Mine as merely an extension of the Horse Canyon Mine has perpetuated a general misunderstanding among the public regarding the full scope of the proposed Lila Canyon Mine.

Thank you for your time and consideration in evaluating Southern Utah Wilderness Alliance’s concerns and objections. SUWA is confident that after the Division reviews the information detailed above and discussed at the Informal Conference, it will conclude that the PAP is neither administratively complete nor technically adequate.

Finally, SUWA has attached to its comments and objections a copy of a speech given by Mr. Robert Murray, owner of UtahAmerican's parent company Murray Energy Corp., at the College of Eastern Utah on October 20, 2005. See Remarks of Robert E. Murray, Land Contribution to the College of Eastern Utah, Oct. 20, 2005 (attached hereto as Exhibit 3). Throughout the course of his speech, Mr. Murray railed against the Southern Utah Wilderness Alliance, its board members, the foundations that support it, and its staff for challenging the proposed Lila Canyon mine. After giving the names, addresses, and, in some instances, home telephone numbers, of SUWA board members, Mr. Murray stated that "[i]t is time for every government official, politician, and leader in Utah to challenge the extremist SUWA and their supporters in every manner possible." In addition to being grossly inappropriate and misleading, SUWA is gravely concerned that Mr. Murray's comments may have placed SUWA board members at risk of harassment or even injury. While SUWA board member information is public – SUWA is a registered Utah non-profit corporation – Mr. Murray's inflammatory rhetoric crossed the line from advocacy to intimidation.

Feel free to contact me with any questions: (801) 486-3161.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized, cursive 'S' followed by a horizontal line extending to the right.

Stephen Bloch
Staff Attorney

EXHIBIT 1

Table 1: Lila Canyon ground water sampling dates – proposed monitoring sites. (November 2005)

Water Monitoring Station	Spring 2001	Summer 2001	Autumn 2001	Winter 2002	Spring 2002	Summer 2002	Autumn 2002	Winter 2003	Spring 2003	Summer 2003	Autumn 2003	Winter 2004	Spring 2004	Summer 2004	Autumn 2004	Winter 2005	Spring 2005	Summer 2005				
Regional Aquifer																						
L-16-G						8/15; 8/14	10/16						3/30	6/17	9/11; 11/3							
L-17-G						6/15; 8/14	10/16						3/30	6/17	9/11; 11/3	3/31						
IPA-1	5/15						9/21; 10/10	3/27	6/4; 8/13	10/15	6/16	9/10; 11/2										
IPA-2	5/15						9/21; 10/10	3/27	6/4; 8/13	10/15	6/16; 8/21	11/2										
IPA-3	5/15						9/21; 10/10	3/27	6/4; 8/13	10/15	6/16; 8/29	11/2										
Perched Aquifer																						
L-6-G																						
L-7-G						7/3	10/10						6/4; 8/13	10/15	6/16	9/10						
L-8-G						7/3	10/10						6/4; 8/13	10/15	6/16	9/12; 11/2	3/29					
L-9-G						7/3	10/10						6/4	10/15	6/16							
L-10-G						7/3	10/10						3/27	6/4; 8/13	10/14	6/16	9/12; 11/2					
L-11-G											3/27	6/4						3/29				
L-12-G											3/27	6/4; 8/13	10/14						3/29			

■ = NO DATA

Winter - December, January, and February
 Spring - March, April, and May
 Summer - June, July, and August
 Autumn - September, October, November

EXHIBIT 2

College in Price secures title to Horse Canyon mining property

By LES BOWEN
Sun Advocate reporter

College of Eastern Utah has acquired title to 896 acres at the site of the former Horse Canyon coal mine.

The transfer comes after an exhaustive review by the Utah Division of Oil, Gas and Mining.

With county, local, state, college and mining representatives present, UtahAmerican Energy Inc., a subsidiary of Murray Energy Corporation, presented the facility to CEU at a luncheon last Thursday.

Of the 1,707.38 acres at the site, the mining corporation will retain 811.25 acres.

The property donated to the college has been reclaimed other than approximately 17 acres.

The 17 acres house a variety of structures and facilities which include a sedimentation pond, a pump house, an office building, a bath house, a warehouse and a shop.

Other improvements at the former coal mining site include building pads, a parking lot, a powder magazine, a cap magazine, a water tank and a portal pad.

In addition, the property includes the transfer of diversionary water rights totaling .08 cubic feet per second from Horse Canyon Creek and 5.0 acre-feet of storage from Redden Spring.

The process of reviewing the land before the transfer and the change in post mining use was only possible after a strict review process, explained Mary Ann Wright, associate director of DOGM.

Wright explained that part of the review pertained to the change in post-mining use for 16 acres.

Under normal circumstances, the mining corporation would be

that the company donated to the college in Price and reclaim the land.

That process required a complete narrative on each building or facility included in the transfer to the college.

Further, the mining company was required to explain why the changed post-mining use would be a higher and better use than

biology, art and creative writing.

Robert Murray, the chairman, president and chief executive officer of Murray Energy Corporation, also addressed the status of the proposed Lila Canyon Mine, on property which adjoins that area donated to the college.

"This proposed state-of-the-art project will be environmentally one of the best projects undertaken in the West. My family and I want to leave a balanced legacy of economic and environmentally acceptable development."

Murray explained that 55 percent of the generation of electricity is dedicated to the purchase of fuel for power plants.

He continued that the cost of natural gas is seven times that of coal. As a result, the cost of coal-generated electricity is one-seventh of the cost of power generated by natural gas.

The proposed mine is estimated to create 300 high-paying jobs, said Murray.

The energy corporation official added that studies suggest that for each job created at a mining facility, up to 11 secondary jobs are created.

While plans to mine in Lila Canyon are at least five years old, the plans have been opposed by the Southern Utah Wilderness Alliance.

Murray indicated that SUWA's claims have been previously addressed and the lobbying organization continues to repeated opposition to the opening of the mine without new claims.

The energy corporation executive pointed out that Lila Canyon is in a historic coal production area where Kaiser Steel and the United States Steel Corporation have pre-existing mining rights.



Mary Ann Wright
Assistant DOGM director

restoring the land to its original state.

That proposed change and the release of the land from the requirements of the Surface Mining Control and Reclamation Act of 1977 was approved after an exhaustive one-year review process, Wright indicated.

"This is one of the most significant gifts that has come to the College of Eastern Utah," said Brad King, a vice president at the college and member of the state legislature.

The college expects to use the Horse Canyon property for recreation, as a base camp for environmental studies, as a collection site for Range Creek archaeological artifacts and as an outdoor classroom for pale-

College secures property:

(Continued from page 1A)

Further, the corporation official pointed out that the area in question is not a roadless or wilderness area.

"They simply want to stop all economic development in Utah," said Murray.

He continued by stating that SUWA is headed by a European industrialist, the 26th richest man in Europe, and that the officers who direct SUWA are "absentee multimillionaires." Murray pointed out that in its efforts against the mining developments at Lila Canyon, SUWA is stopping 3,600 jobs from coming into Carbon and Emery counties.

Further, Murray listed the principal donors to SUWA and noted that many of the foundations from which SUWA receives support re-



Robert Murray
Murray Energy Corporation

ceived their principal endowments from energy industrialists.

"If the founders of these foundations knew how their money was being used, they'd roll over in their graves," said Murray.

EXHIBIT 3

Finally, SUWA has attached to its comments and objections a copy of a speech given by Mr. Robert Murray, owner of UtahAmerican's parent company Murray Energy Corp., at the College of Eastern Utah on October 20, 2005. See Remarks of Robert E. Murray, Land Contribution to the College of Eastern Utah, Oct. 20, 2005 (attached hereto as Exhibit 3). Throughout the majority of his speech, Mr. Murray railed against the Southern Utah Wilderness Alliance, its board members, the foundations that support it, and its staff and supporters for opposing the proposed Lila Canyon mine in its current iteration. After giving the names and, in many instances, home addresses and telephone numbers of SUWA board members, Mr. Murray stated that "[i]t is time for every government official, politician, and leader in Utah to challenge the extremist SUWA and their supporters in every manner possible." In addition to being grossly inappropriate and misleading, SUWA is gravely concerned that Mr. Murray's comments may have placed SUWA board members at risk of harassment or even injury. While SUWA board member information is public – SUWA is a registered Utah non-profit corporation – Mr. Murray's inflammatory rhetoric crossed the line from advocacy to intimidation.

Feel free to contact me with any questions: (801) 486-3161.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'S' and 'B' followed by a horizontal line extending to the right.

Stephen Bloch
Staff Attorney

Remarks of Robert E. Murray

Land Contribution to the

College of Eastern Utah

October 20, 2005

Price, Utah

On behalf of my wife, Brenda, and our sons, Robert Edward, who is with me today, Jonathan, and Ryan, and from Murray Energy Corporation ("Murray Energy") and UtahAmerican Energy, Inc. ("UtahAmerican"), we are pleased to make this contribution of buildings and 896.13 acres of land to the College of Eastern Utah.

Being thoroughly familiar with the real estate gifted, we believe that this large acreage and the buildings will serve the College of Eastern Utah well for many decades, as a natural laboratory or for whatever purpose your administrators deem appropriate.

As you know, for the past four (4) years, UtahAmerican has been attempting to get its proposed Lila Canyon Mine re-permitted, after an approved permit was remanded in 2001. This huge proposed state-of-the-art project will:

- Be environmentally one of the best projects ever undertaken in the West. My family and I want to leave a balanced legacy of economic and environmentally acceptable development.
- Create nearly 300 high-paying, well-benefited jobs in the Carbon and Emery County area.
- According to The Pennsylvania State University, up to eleven (11) secondary jobs are created for each mining job, to provide the goods and services to each of our employees. Thus, an additional up to 3,300 jobs could be created in our area.
- The Lila Canyon Mine project has the support of all local governmental officials and our citizens in general.
- The electric utilities sorely need the high quality, low sulfur coal that the Lila Canyon Mine will produce. Over ninety-five percent (95%) of the electricity in Utah comes from coal. A reliable, reasonably-priced coal supply is critical to holding down electric rates in Utah for our State's businesses that compete in the global marketplace, and for those who are on fixed incomes.

During the permitting stage, we have had significant local support for the project from individuals or agencies of this great State.

First, I would like to acknowledge the support of the Emery County Commission, and its Chairman, Mr. Ira Hatch.

Also, I wish to acknowledge the efforts of the Federal Bureau of Land Management for their good work with UtahAmerican over the years.

The efforts of the Utah Division of Oil, Gas & Mining are also very much acknowledged and appreciated.

On the other hand, much to the detriment of Utah and its citizens, UtahAmerican's proposed Mine has been the focus of opposition from the environmental group, the Southern Utah Wilderness Alliance ("SUWA"). This is notwithstanding that UtahAmerican's Lila Canyon Mine is in a historical mining area, where the Kaiser and United States Steel Corporations previously mined and where UtahAmerican has pre-existing mining rights. Further, the Lila Canyon Mine will not be in a roadless or wilderness area.

"They simply want to stop all econ. dev. in Utah."

Our contribution of buildings and nearly 900 acres of land to the College of Eastern Utah today clearly exemplifies that UtahAmerican's Lila Canyon Mine is in a historic mining area, not a roadless or wilderness area which SUWA champions. However, their actions show that SUWA just really wants to stop our project and any development in our area.

"Deny the Pappas family estate grand children from buying an account, an income."

It has been stated by a number of credible, progressive Utah organizations, that SUWA is a totally anti-development organization, opposed to the extraction of natural resources, and against private property rights. What began in 1983 as a local grassroots wilderness group has now grown into an extremist group which is well-financed primarily by out-of-state interests.

Seinfeld
SUWA is dominated by absentee multi-millionaires, including their President, Hansjorg Wyss, who is listed as the twenty-sixth (26th) richest person in Europe, worth 3.4 billion pounds in 2004, according to an April 18, 2004, *Times Online* article. Mr. Wyss, who has an office at 1690 Russell Road, Paoli, Pennsylvania 19301 (phone: 610.687.5760), is Chief Executive Officer of the Swiss-based Synthes-Stratec.

Help from Abt local.

wealthy suburb of Pennsylvania

What right does this European gentleman have to capriciously delay an economic development project in an area in which mining has already occurred, and which project the people of Utah and Carbon and Emery Counties want? To me, it is time that the lawyers, politicians, and anyone concerned about future jobs and quality of life in Utah start fighting back against SUWA and Hansjorg Wyss and the other elitist officers and financiers of this extremist and very detrimental organization.

Marjorie Naras & Deane's
hasn't helped a bit

According to State records and the Internet, other officers of SUWA include:

Vice President Ted Wilson, 587 Perrys Hollow Road, Sale Lake City, Utah 84103 (phone: 801.519.9705). Mr. Wilson is a former Mayor of Salt Lake City, and was a candidate for the United States Senate. He is Director of the Hinckley Institute of Politics at the University of Utah.

Secretary Trent Alvey, 4301 Emigration Canyon, Salt Lake City, Utah 84108 (phone: 801.582.2420). Ms. Alvey is an artist in Salt Lake City.

Treasurer, Mark Ristow, 3755 East 82nd Street, Indianapolis, Indiana 46240 (phone: 317.845.4171). Mr. Ristow is an attorney.

Director, Darrell Knuffke, 7475 Dakin Street, Denver, Colorado 80221. Mr. Knuffke is also a Director of the Friends of the Boundary Waters Wilderness in Minneapolis, Minnesota.

Director, Dottie Fox, 354 Snowmass Creek Road, Snowmass, Colorado 81654 (phone: 970.927.4483). Ms. Fox is an artist.

Director, Thomas Scott Groene, 1471 South 1100 East, Salt Lake City, Utah 84105 (phone: 801.486.7639 Ext. 26). Mr. Groene is a very active attorney for SUWA, and has offices in Salt Lake City, Moab, and Cedar City.

Jim Baca, 2309 Via Madrid Drive, NW, Albuquerque, New Mexico 87104 (phone: 505.244.0031). Mr. Baca is on the Board of the Hansjorg Wyss Foundation and is a former Director of the Bureau of Land Management.

Bert Fingerhut, 1520 Silver King Drive, Aspen, Colorado 81611 (phone: 970.920.1934). Mr. Fingerhut is another high-dollar donor to SUWA and opponents of economic development in Utah. He is a retired multi-millionaire from Oppenheimer & Company, and other organizations.

Bill Hedden, 390 Castle Creek Lane, Castle Valley, Utah 84532 (phone: 435.259.5284). He was very active with the Clinton Administration, and was a key player on the Grand Staircase-Escalante National Monument formation.

Richard J. Ingebretsen, 1877 Clayborne Avenue, Salt Lake City, Utah 84106 (phone: 801.487.2570). He is a medical doctor and physics professor at the University of Utah.

Clive Kincaid, P. O. Box 2767, Park City, Utah 84060 (phone: 435.645.9298). Mr. Kincaid is one of the founders of SUWA and a former Bureau of Land Management ("BLM") Wilderness Manager in Arizona. He wants to stop all economic uses of BLM land.

Cindy Shogan, 10608 Woodsdale Drive, Silver Spring, Maryland 20901 (phone: 301.593.2131). She is involved in numerous anti-development, environmental organizations.

Johanna Wald, 845 Ashbury Street, San Francisco, California 94117 (phone: 415.777.0220). She is an attorney for the Natural Resources Council and is a member of many environmental groups.

Chip Ward, P. O. Box 1005, Grantsville, Utah 84029. He is Founder of the West Desert Healthy Environment Alliance, and currently works for the Utah State Library Division.

Terry Tempest Williams, HC 64 # 3710, Moab, Utah 84532 (phone: 435.259.9295). She is a Professor of English at the University of Utah.

SUWA receives about \$2 million per year in contributions. Some of the primary contributors have been:

- The Beldon Fund, formed by John R. Hunting, founder of Steelcase, the office furniture manufacturer;
- The Compton Foundation, set up by William H. Danforth, who founded the Ralston Purina feed empire;
- The Educational Foundation of America, set up by Richard P. Ettinger of the Prentice-Hall Publishing fortune;
- Deep Ecology, set up by Douglas Tompkins from the Esprit Clothing fortune;
- General Service Foundation, originating from the Weyerhaeuser Company;
- The Gerhard Family Foundation, set up by Lang Gerhard of West Highland Capital;
- The Harder Foundation, set up by a former General Motors executive;
- The Homeland Foundation, set up by Anne Getty Earhart, the granddaughter of J. Paul Getty.
- The W. Alton Jones Foundation, set up by the founder of Citco Oil Company, Mr. W. Alton "Pete" Jones.
- The Kenney Watershed Protection Foundation, set up by a Massachusetts industrialist;
- The New-Land Foundation, founded by the heiress to two (2) Chicago meat packing fortunes, Morris and Swift;
- Pew Charitable Trusts, which were set up by Joseph Newton Pew, the founder of Sun Oil Company;

- The Rockefeller Family Fund, established by the heirs to the Rockefeller fortune;
- The Schumann Foundation, of which William D. "Bill" Moyers, the Public Broadcasting System television personality, is the President;
- The Benjamin Spencer Fund, founded by the richest person in New Mexico;
- The Tortuga Foundation, set up by a group of Yale University graduates;
- Town Creek Foundation, set up by the former President and Chief Executive Officer of Bowne & Company, Inc., a corporate and financial printer;
- The Underhill Foundation, set up by other Rockefeller heirs;
- The Walton Family Foundation. Yes, you have it, Wal-Mart has contributed to SUWA and against the development of UtahAmerican's Lila Canyon Mine;
- The Wild Wings Foundation, another fund of Rockefeller heirs;
- The Winslow Foundation, established by Wren Winslow Wirth, wife of Timothy Wirth, and now currently with Ted Turner's United Nations Foundation, with a family fortune in excess of \$25 million; and, of course,
- The Wyss Foundation, founded by Hansjorg Wyss, with Bert Fingerhut as a Trustee.

As stated, SUWA has attempted to terminate the very beneficial and environmentally acceptable Lila Canyon Mine of UtahAmerican for four (4) years. In an October 11, 2005, filing on the last day that they had the legal right to do so, which has been the *modus operandi* of this extremist organization over the years, their staff attorney from Salt Lake City, once again, filed in opposition to the permit for the Lila Canyon Mine with the Utah Division of Oil, Gas & Mining ("DOGM"). Not only did SUWA, in an attempt to totally kill the UtahAmerican project, cite the same objections that it repeatedly has raised, which have been totally addressed by DOGM and UtahAmerican, Stephen Bloch, the SUWA representative, accused DOGM as being "arbitrary and capricious" in addressing the issues that SUWA has raised and re-raised for the last four (4) years. Now folks, you tell me who is being arbitrary and capricious here? It is SUWA, their lawyer, Mr. Bloch, their President, Mr. Wyss, their Directors, and their contributors.

Again, do you really believe that it is in the best interests of Carbon and Emery Counties and the State of Utah for the extremist, well-financed SUWA to continually take jobs, up to 3,600 of them in this case, away from Utah citizens, and at the same time attempt to deny UtahAmerican of its pre-existing mining rights? Remember the Lila Canyon Mine will be in the historical mining area of the Kaiser and United States Steel Corporations, and not effect any roadless or wilderness areas.

It is time for every government official, politician, and leader in Utah to challenge the extremist SUWA and their supporters in every manner possible. Otherwise, electric rates in Utah are going to sky rocket, as the low cost, minimal transportation, local coal cannot be consumed; good high-paying, well-benefited jobs will be lost; and there will be far fewer opportunities for the graduates of the College of Eastern Utah.

In conclusion, I want to emphasize that there are no environmental issues left regarding UtahAmerican's Lila Canyon Mine. It is at the site of the previous mining of the Kaiser and United States Steel Corporations, and all issues have been effectively addressed and re-addressed by the Utah Division of Oil, Gas & Mining, which has been entrusted by our elected officials to have the final say as to what is environmentally acceptable in Utah, not the extremist SUWA, its lawyers, officers, and contributors.

Again, it has been a privilege for our family and Company to present our contribution to the College of Eastern Utah.

Officers and Directors from State Records:

President:

Hansjorg Wyss
1690 Russell Road
Paoli, PA 19301
610-687-5760

CEO of Swiss based Synthes-Stratec, computer assisted orthopedic surgery. Listed as the 26th richest person in Europe according to TimesOnLine Article 4/18/2004.

The Wyss Foundation gave \$524,171 to SUWA in 1995

Vice President:

Ted Wilson
587 Perrys Hollow Road
Salt Lake City, UT 84103
801-519-9705

Mr. Wilson is a former mayor of Salt Lake City (1976-1985). Ran unsuccessfully for U.S. Senate. Director of the Hinckley Institute of Politics at the University of Utah. Former fellow of the JFK Institute of Politics at Harvard.

Secretary:

Trent Alvery
4301 Emigration Canyon
Salt Lake City, UT 84108
801-582-2420

Ms. Alvery is an artist and the President of Trent Alvery Design in Salt Lake City. Ms. Alvery is a trustee of several other environmental groups.

Treasurer:

Mark Ristow
3755 E. 82nd St.
Indianapolis, IN 46240
317-845-4171

Mr. Ristow is an attorney and CPA

Director:

Darrell Knuffke
7475 Dakin St.

Denver, CO 80221
(phone not available)
(this is an office building, mostly doctors)

2070 County Road 138
International Falls, MN 56649
(phone not available)
(appears to be a home address)

Mr. Knuffke is also a Director for Friends of the Boundary Waters Wilderness in Minneapolis, MN.

Director:

Dottie Fox
P.O. Box 545
Snowmass, CO

354 Snowmass Creek Road
Snowmass, CO 81654
970-927-4483

Ms. Fox resides in Snowmass, Colorado, which is just outside Aspen, Colorado. Snowmass is a very expensive area. It appears that she is very active in the Aspen community. She is listed as being an artist. She is also shown as being 85 years old, which is unconfirmed. If she is 85 she is very active for her age.

Director:

Thomas Scott Groene
1471 S 1100 E
Salt Lake City, UT 84105
801-486-7639 x 26 (SUWA Office)

Mr. Groene (goes by both Thomas and Scott) is a very active attorney for SUWA. Has several offices in Utah (Salt Lake City, Moab, Cedar City), but no phone numbers are available for any of his offices other than the SUWA office number shown above.

Directors from SUWA Website:

Chair:

Hansjorg Wyss
1690 Russell Road
Paoli, PA 19301
610-687-5760

CEO of Swiss based Synthes-Stratec, computer assisted orthopedic surgery. Listed as the 26th richest person in Europe according to TimesOnline Article 4/18/2004.

The Wyss Foundation gave \$524,171 to SUWA in 1995

Vice Chair:

Ted Wilson
587 Perrys Hollow Road
Salt Lake City, UT 84103
801-519-9705

Mr. Wilson is a former mayor of Salt Lake City (1976-1985). Ran unsuccessfully for U.S. Senate. Director of the Hinckley Institute of Politics at the University of Utah. Former fellow of the JFK Institute of Politics at Harvard.

Director:

Trent Alvery
4301 Emigration Canyon
Salt Lake City, UT 84108
801-582-2420

Ms. Alvery is an artist and the President of Trent Alvery Design in Salt Lake City. Ms. Alvery is a trustee of several other environmental groups.

Director:

Jim Baca
2309 Via Madrid Drive NW
Albuquerque, NW 87104
505-244-0031

Mr. Baca was the Director of the Bureau of Land Management and was fired by Bruce Babbitt in 1994. Mr. Baca was also the Mayor of Albuquerque, New Mexico from 1997-2001. Mr. Baca is also on the Board of the Wyss Foundation (see Hansjorg Wyss above).

Director:

Bert Fingerhut
1520 Silver King Drive
Aspen, CO 81611
970-920-1934

Mr. Fingerhut is a retired multi-millionaire. ExVP of Oppenheimer & Company, Sr. VP Odyssey Partners, Chairman and CEO of Cortech, Inc. Chairman of Toxics Targeting. High dollar donor to the Democratic Party. Mr. Fingerhut is involved with many different environmental groups. There is no mention that he is, or was, involved with the Fingerhut catalog sales.

Director:

Bill Hedden
390 Castle Creek Lane
Castle Valley, UT 84532
435-259-5284

Mr. Hedden was very active with the Clinton Administration. Was a key player on the Grand Staircase-Escalante National Monument formation. Is active in local politics. Is Executive Director of the Grand Canyon Trust. Is active with several other environmental organizations.

Director:

Richard J. Ingebretsen, MD, PhD
1877 Clayborne Ave.
Salt Lake City, UT 84106
801-487-2570

Dr. Ingebretsen is a Medical Doctor and physics professor at the University of Utah. Dr. Ingebretsen is the founder of the Glen Canyon Institute and is very outspoken on wanting to drain Lake Powell. He has been condemned as being a "crazy or a radical" environmental extremist.

Director:

Clive Kincaid
P.O. Box 2767
Park City, UT 84060
435-645-9298

One of the original founders of SUWA and a former BLM Wilderness Manager in Arizona. Is very active in the wilderness classification of BLM land. Wants to stop traditional uses of BLM land such as timbering, oil and gas, mining, cattle grazing, etc. Mr. Kincaid is a member of several of several other environmental groups. Mr. Kincaid's P.O. Box is in Park City, UT which is a very expensive area.

Director:

Darrell Knuffke
7475 Dakin St.
Denver, CO 80221
(phone not available)

(this is an office building, mostly doctors)

2070 County Road 138
International Falls, MN 56649
(phone not available)
(appears to be a home address)

Mr. Knuffke is also a Director for Friends of the Boundary Waters Wilderness in Minneapolis, MN.

Director:

Cindy Shogan
10608 Woodsdale Drive
Silver Spring, MD 20901
301-593-2131

Ms. Shogan is the Executive Director of the Alaska Wilderness League. It appears that Ms. Shogan focuses mostly on Alaska issues. Has worked for the Defenders of Wildlife, Izaak Walton League, and the Sierra Club.

Director:

Johanna Wald
845 Ashbury St.
San Francisco, CA 94117
415-777-0220 or 415-564-0153

Ms. Wald is the Sr. Attorney, Land Program Director for the Natural Resources Council (Yale graduate). She has been with Natural Resources Council for 30+ years. Is a member of several other environmental groups.

Director:

Chip Ward
P.O. Box 1005
Grantsville, UT 84029
(no phone available)

Mr. Ward is the founder of the West Desert Healthy Environment Alliance. He is a former bookmobile driver and is currently development services manager for the Utah State Library Division. Mr. Ward has written several books related to environment issues.

Terry Tempest Williams
HC 64 # 3710
Moab, UT 84532
435-259-9295

Professor of English, University of Utah, nature writer and feminist. Has written several books. Is a member of the Ecology Hall of Fame.

EXHIBIT E
to
Asset Assignment Agreement

LIST OF FACILITIES

The following is a list of facilities at the Horse Canyon Mine to be donated to the College of Eastern Utah Foundation by UtahAmerican Energy, Inc.

1. Sedimentation Pond #2 (including associated drainage features)
2. Pump House
3. Office Building
4. Bath House
5. Warehouse
6. Shop
7. Chain Link Fence
8. Building Pads
9. Parking Lot
10. Powder Magazine
11. Cap Magazine
12. Water Tank
13. Portal Pad

EXHIBIT B
to
Asset Assignment Agreement

DESCRIPTION OF DONATED WATER RIGHTS

- (1) Water User's Claim 91-183: Certificate of Appropriation of Water No. 4592, Application No. 20888, Water Users Claim 91-183, dated August 30, 1952, recorded in Book C of Water Rights at Page 259 in the office of the Emery County Recorder, United States Steel Company, appropriator, appropriating eighty thousandths second feet (.08 cfs) from Horse Canyon Creek, Emery County, Utah, for the period from January 1 to December 31, inclusive, for mining purposes, for diversion and use as set forth in the Deed.
- (2) Water Right No. 91-5084, to appropriate 5.0 acre-feet of water from Redden Spring, located at a point South 2145 feet and West 330 feet from the NE Corner of Section 3, T16S, R14E, SLBM.

Provided, that Assignor reserves the right to use water from the above-described Water Rights for reclamation and mining purposes or water replacement uses at the Horse Canyon Mine and the Lila Canyon Mine, Emery County and Carbon County, Utah.

EXHIBIT A
to
Asset Assignment Agreement

**College of Eastern Utah Foundation
Horse Canyon Project**

Legal Description		UEI to Retain Ownership		Donate to College of Eastern Utah Foundation	
Section		Description	Acres	Description	Acres
T.16S R.14E Emery County Fee Surface	3			Lots 1,3,7,8,11	176.13
	4	S2SW4	80	NW4SE4, SE4SE4	80
	5	SE4SE4	40		
	9	S2NW4, W2SE4	160	NW4NE4, SE4NE4, NE4SE4	120
	10	SE4	160		
	15	SE4NW4, N2NE4, SE4NE4	160		
T.15S R.14E Carbon County Fee Surface	33			S2SE4	80
	34			SW4SW4	40
T.16S R.14E Emery County Fee Simple	3			Lots 5, 6, 12, NW4SW4, S2SW4	240
	4			Lots 8, 9, NE4SE4, SW4SE4	160
	8	NE4NE4	40		
	9	N2NW4	80		
T.16S R.14E Emery County Fee Simple	15	S2NE4, ALSO, Beginning at the NE corner of the NW4SE4, and running thence W 1000 feet; thence SE 7y to a point 500 feet S of beginning; thence N 500 feet to beginning	91.25		
TOTAL			811.25		896.13